



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Jacob K. Javits Federal Building
26 Federal Plaza, 37th Floor
New York, New York 10278*

November 5, 2024

BY ELECTRONIC MAIL

The Honorable Paul A. Engelmayer
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *United States v. Daniel Hernandez* 18 Cr. 834 (PAE)

Dear Judge Engelmayer:

The Government writes to provide the Court with an update regarding the above-captioned defendant's Violation of Supervised Release ("VOSR") proceeding. Having conferred with defense counsel, the Government understands that during the upcoming November 12, 2024 VOSR hearing, the defendant will admit to each of the five specifications detailed in the Second Amended Violation report submitted to the Court on November 4, 2024 by the United States Probation Office ("Probation"). Accordingly, the Government respectfully requests that its witnesses for the previously scheduled November 12 evidentiary hearing—including two Probation Officers from the Southern District of Florida—be excused from appearing, since the need for their testimony will be obviated by the defendant's admissions, and to avoid requiring the witnesses to unnecessarily travel to this District during the upcoming holiday weekend.


The Government further understands that, following his admission to the above-described specifications, the defendant is prepared to immediately proceed to sentencing. At his sentencing proceeding, the Government and Probation will jointly and respectfully recommend that the following sentence be imposed: (1) a period of thirty days' incarceration; (2) followed by a new one-year term of supervised release, during which the defendant will be on home incarceration for the first 30 days, on home detention for the second 30 days (during which time, with Probation's approval, he will be permitted to leave his home to fulfill his outstanding community service obligations), and on a curfew during the third 30-day period; (3) during the first 90 days following his release (*i.e.*, when the defendant is on home incarceration, home detention, and a curfew, respectively), the defendant will submit to electronic monitoring; (4) upon release from his 30-day term of imprisonment, the defendant will surrender his passport to Probation and will not travel internationally during his one-year term of supervised release; (5) after the defendant is no longer on home incarceration, home detention, or a curfew, he may travel domestically for work, but only upon Probation's approval and only after providing notice on a schedule dictated by Probation; (6) the defendant will submit to drug testing and drug treatment as dictated by Probation; (7) the defendant will complete his outstanding community service obligations no less than 30 days before

the completion of his one-year term of supervised release; and (8) the defendant will be subject to all other previously imposed conditions and special conditions of supervised release, to the extent they are not inconsistent with the above-described terms. The Government understands that the defendant consents to the sentence proposed by the Government and Probation.

Respectfully submitted,

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By:


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cc: Lance Lazzaro, Esq. (counsel for Hernandez)
Probation Officers Sandra Osman and Donn Grice